

***Foothill/Eastern Transportation Corridor Agency  
Federal Consistency Appeal***

***Description of the  
Public Hearing***

The following are guidelines that will be used by NOAA and event staff to manage the public hearing in the Foothill/Eastern Transportation Corridor Agency Federal Consistency Appeal. NOAA retains the right, however, to modify any of these guidelines at its sole discretion.

***When, where, and at what time is the public hearing?***

- The hearing will be held on September 22, 2008 in O'Brien Hall at the Del Mar Fairgrounds, 2260 Jimmy Durante Boulevard, Del Mar, CA 92014.
- The hearing will begin at 10:30 a.m., and end promptly at 8:30 p.m.
- A 30 minute intermission will be called at 2PM and again at 5PM. Other recesses may be called as necessary by the hearing officer.

***Who may give oral testimony at the hearing?***

- Members of the public, elected officials, and individuals representing organizations or tribes may give oral testimony at the hearing.

***What are the requirements for providing oral testimony at the hearing?***

- Anyone wishing to provide oral testimony at the hearing must submit a written request via United States mail or commercial carrier (Federal Express/UPS/Airborne Express or similar means) to NOAA no later than September 12, 2008. No requests received after close-of-business on September 12, 2008 or requests submitted via e-mail, facsimile, or voicemail will be considered.
- The written request should be sent to: Thomas Street, Attorney Advisor, NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910.

***What information shall be contained in the written request?***

- A written request must include the individual's full name, address, and a statement of whether the testimony will be provided on behalf of: (i) an individual; (ii) an organization; (iii) an elected official; or (iv) a tribe. (NOTE: If the individual is providing testimony on behalf of an organization, tribe, or is testifying as an elected official, the written request must contain additional information as described below.)

- A public hearing participant who wishes to provide testimony on behalf of an organization must submit the request on the organization's letterhead, identify his or her title within the organization, and certify that the individual is authorized to provide testimony on behalf of the organization. A participant who wishes to provide testimony on behalf of a tribe must identify the tribe and certify that he or she is authorized to provide testimony on behalf of the tribe (NOTE: Only one person will be permitted to speak on behalf of any one organization or tribe).
- In his or her request to testify, an elected official must identify his or her official title and public office. An elected official must testify in person.
- Although the submission of a written request is a prerequisite to providing oral testimony, it is not a guarantee that an individual will be afforded the opportunity to testify due to the hearing's time constraints.

*What procedures will be used by NOAA?*

- After receipt of written requests to provide testimony, NOAA staff will separate the requests into four general categories: individuals, elected officials, organizations, and tribes. NOAA will then create a testimony schedule with speakers randomly selected from within each of the general categorical groupings. Priority will be given to elected officials (first) and individuals representing organizations or tribes (second), with the remaining time allotted to individuals testifying on their own behalf.
- The testimony schedule will be published on the Department of Commerce Coastal Zone Management Act website (<http://www.ogc.doc.gov/czma.htm>) before the hearing.
- Speakers from the general public will receive up to three minutes to present oral comments. Elected officials and individuals representing organizations or tribes will receive up to five minutes to speak. In order to accommodate the maximum number of speakers, time limits will be strictly enforced.
- If any member of the public, elected official, or organizational or tribal representative misses his or her assigned speaking slot, there will be no ability to make it up.
- Speakers will not be permitted to cede time to another speaker.
- Only one person may speak on behalf of an organization or tribe.
- Speakers are encouraged to avoid duplicative testimony.
- No testimony or presentation by the parties to the appeal (*i.e.*, the Foothill/Eastern Transportation Corridor Agency and the California Coastal Commission) is anticipated or requested. Because the purpose of the hearing is to solicit public comments, if a party chooses to appear, the party will be allowed only three minutes to give testimony. A

party's request to appear must be received in writing by NOAA at the above-provided address no later than September 12, 2008.

- Proper decorum must be maintained at all times. Except while testifying, individuals must remain seated, and quiet, during the pendency of the hearing.
- No cheering, booing, heckling, or other disruptions will be tolerated.
- Directions given by NOAA officials, event staff, or security officers must be promptly observed. Anyone violating any of these instructions will be asked to leave and escorted from the hearing room. If the hearing becomes disorderly, NOAA may be forced to cancel the hearing on the day of the event.

*Are questions to and responses from NOAA officials allowed?*

- NOAA officials administering the hearing will not entertain questions, and will not be making any substantive decisions at the hearing. The sole purpose of the hearing is to receive public views and input.

*How will testimony be recorded?*

- Testimony will be transcribed. The transcript will become part of the administrative record for the appeal. Each speaker will be asked to give his or her name for the record.

*How will speaker time be regulated?*

- We anticipate using a timer. When time is up, the NOAA timekeeper will also inform the speaker. Time limits will be strictly enforced so that the maximum number of speakers can be accommodated.

*Will visual aids (videos and PowerPoint presentations) be allowed?*

- The hearing room will not be equipped to view videos or PowerPoint presentations. A speaker may use paper-based or photographic visual aids during his or her allotted time.

*Can written materials be submitted at the hearing?*

- Yes. Boxes will be made available in the hearing room for written comments.

*Will there be any additional opportunities for public comment after the hearing?*

- Yes. The public and Federal agency comment period will reopen on August 27, 2008 and run until October 2, 2008.

Are cameras or recording equipment permitted at the hearing?

- No. With the exception of recognized members of the press, the use of cameras, camera phones, video cameras or other recording devices is prohibited during the hearing.

Is the use of cell phones permitted in the hearing room?

- No. The use of cell phones is not permitted. Any hearing attendees using a cell phone inside the hearing room will be asked to leave.

Are signs and banners permitted in the hearing room?

- Signs and banners are discouraged, and no signage over 13 inches x 24 inches will be permitted in the hearing room. Participants may hold a sign directly in front of themselves, on their laps, but may not hold signs up during the hearing or otherwise restrict the view of others.

Is the Del Mar Fairgrounds accessible by public transportation?

- The venue is accessible from the Solana Beach Transit Center, which is located about one mile away.
- A website that may help people plan their trip is available at: <http://www.sdcommute.com/TripPlanner/index.asp>. In no way does NOAA endorse this website. This link is merely provided as an information source to hearing attendees.

Will parking be available?

- Yes. Pay-for-parking will be available at a cost of \$9.00 per car.

Is the Del Mar Fairgrounds handicapped accessible?

- Yes. The venue is handicapped accessible.